

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

SECOND APPEAL NO.569 OF 2000

Smt.Ratnaprabha Jagannath Raorane,
deceased through L.Rs.

1.Balkrishna Jagannath Raorane and ors Appellants.

Vs

1.Vinayak Narayan Sawant and ors. Respondents.

Mr A.R.Pitale, for the appellants.

Mr A.S.Khandeparkar, for the respondents.

CORAM : D.B.BHOSALE, J.
DATE : 09.01.2007.

PC:

1. Heard the learned counsel for the parties.
2. Mr Pitale, learned counsel for the appellants, on instructions from his client who is present in the court, seeks leave to withdraw this appeal with liberty to the appellants to adopt appropriate remedy against the respondents. Mr Khandeparkar, learned counsel for the respondents, has no objection for granting such liberty. This Second Appeal is allowed to be withdrawn with liberty as prayed for.
3. While granting liberty, I shall not be understood to have expressed any opinion as to the right of the appellants to adopt appropriate remedy as may be available in law. If any such remedy is adopted by the appellants, same may be considered in accordance with

law. It will be open for the respondents to raise all contentions as may be available in law for opposing the relief that may be prayed by the appellants in the fresh proceedings. With these observations, the appeal stands disposed of as withdrawn.

(D.B.BHOSALE, J.)